

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

HOMELAND INSURANCE COMPANY OF  
NEW YORK,

Plaintiff,

v.

CLINICAL PATHOLOGY  
LABORATORIES, INC. SONIC  
HEALTHCARE USA, INC., MEDLAB  
PATHOLOGY, SONIC HEALTHCARE  
(IRELAND) LIMITED, AND SONIC  
HEALTHCARE LIMITED.

Defendants.

CIVIL ACTION NO. 1:20-cv-783

**HOMELAND INSURANCE COMPANY OF NEW YORK'S REQUEST FOR ORAL  
HEARING REGARDING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT  
AND REGARDING HOMELAND'S OPPOSED MOTION TO DENY OR DELAY  
CONSIDERATION OF DEFENDANTS' MOTION FOR SUMMARY JUDGMENT  
UNDER RULE 56(d)**

Plaintiff Homeland Insurance Company of New York requests an oral hearing on both Defendants' Motion for Summary Judgment (Dkt. 63) and on Homeland's Opposed Motion to Deny or Delay Consideration of Defendants' Motion for Summary Judgment Under Rule 56(d). Defendants have moved for summary judgment on all of Homeland's four claims—(1) breach of warranty, (2) reformation, (3) promissory estoppel, and (4) declaratory judgment—as well as three of Homeland's defenses to coverage, including (i) the prior notice exclusion, (ii) the prior knowledge exclusion, and (iii) misrepresentation. In addition, Defendants seek partial summary judgment on an eighth issue regarding how the insurance policies at issue should be interpreted for purposes of paying underlying defense expenses. Homeland's 56(d) Motion raises a number of issues related to Defendants' Motion. Due to the complexity of the facts and issues in this case and at issue in the pending Motions, oral argument may aid the Court in its decision-making process, including by allowing the parties to provide any needed clarification and further address any issues that are of concern to the Court.

Respectfully submitted this 27th day of October, 2021.

By: /s/ Jenna A. Fasone

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*Attorneys for Plaintiff and Counterclaim  
Defendant Homeland Insurance Company of  
New York*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true copy of this document was served upon counsel of record for all parties who have made an appearance in this case at the addresses indicated by CM/ECF electronic notification on this 27th day of October, 2021. I declare under penalty of perjury that the foregoing is true and correct.

*/s/ Jenna A. Fasone*

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